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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,997	04/15/2004	Jerry Joseph	RESEM.P-003	7274
28752 7590 09/24/2007 LACKENBACH SIEGEL, LLP LACKENBACH SIEGEL BUILDING 1 CHASE ROAD SCARSDALE, NY 10583			EXAMINER RODRIGUEZ, PAMELA	
			ART UNIT 3683	PAPER NUMBER
			MAIL DATE 09/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/824,997

Applicant(s)

JOSEPH, JERRY

Examiner

Pam Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7-10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7-10,12-14 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 15,16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The Amendment filed July 20, 2007 has been received and considered.

Claim Objections

2. Claim 10 is objected to because of the following informalities: in line 6 of the claim the word "hinge" should not be deleted from the claim (i.e, the strike-through of the word is incorrect as it forms part of the "continuous hinge" claim language previously used in the preceding independent claims). Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 5, 7-10, 12-14, and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,169,244 to Siebert et al.

Regarding Claim 1, Siebert et al disclose a bushing member 19 (see Figure 2), having all the features of the instant invention including: an elastomeric member 3/4 defining a central opening 10 between a front face and a rear face (the front and rear faces being the thicknesses of portions 3 and 4, the front face of which is visible in Figure 2, the rear face being located on the back side width of elements 3 and 4); the

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front face and the rear face being perpendicular to the axis of the central opening 10 (see the thicknesses of elements 3 and 4 extending in the direction from element 10 towards flanges 8 in Figure 2. When viewed in this manner, the faces are perpendicular to the longitudinal axis of the central opening); a slot 7 in said bushing along a first side of said elastomeric member providing a lateral access from an exterior of said elastomer member to said central opening (see Figure 2); a continuous hinge 5 configured as part of the elastomeric member $\frac{3}{4}$ (see Figure 2 and note how hinge 5 connects elastomeric members 3 and 4 together and thus forms a continuous part of the elastomeric member); and at least a part of said hinge 5 positioned proximate a second side of said elastomeric member distal said slot 7 (see Figure 2), whereby during an opening of said bushing member said hinge means reduces an opening force required for separating said slot and inserting an external member into said central opening and improves a smooth transfer of said external member into said slot (see column 3 lines 5-20), and a first and a second flange member $\frac{3}{8}$ and $\frac{4}{8}$ extending outwardly and generally perpendicular to the axis of the central opening (when members $\frac{3}{8}$ and $\frac{4}{8}$ are viewed as in Figure 2, their thicknesses are perpendicular to the axis of the central opening) from an outer edge portion of said elastomeric member $\frac{3}{4}$ proximate respective said front face and said rear face (see Figure 2), thereby forming a saddle portion of the elastomeric member therebetween which extends substantially the entire length of the elastomeric member $\frac{3}{4}$ (see Figure 5, where the saddle portion is the portion of elastomeric member $\frac{3}{4}$ on which bracket 14 is located

thereon, in particular the portion of elastomeric member $\frac{3}{4}$ underneath portion 15 of the bracket which extends the entire length of the elastomeric member $\frac{3}{4}$).

Regarding Claim 2, Siebert et al disclose an outer seal member 9 on each respective said front and rear face; and each said outer seal members 9 bounding said central opening 10 and joining respective sides of said slot 7 to provide a seal with said external member (see Figure 4), whereby when said external member is assembled with said bushing member each said outer seal member 9 provides a sealing contact with said external member and minimizes a debris entry to said central opening (see Figure 4).

Regarding Claim 4, Siebert et al disclose that the first and said second flange members $\frac{3}{8}$ and $\frac{4}{8}$ define respective hinge portions 5 proximate said second side wherein a thickness of respective said flange members is reduced (see Figure 2), said hinge means 5 for reducing includes said respective hinge portions; and said hinge portions minimizing said opening force of said elastomeric member $\frac{3}{4}$ and easing said lateral access to said central opening 10 during an insertion of said external member, whereby an opening stress on said bushing member is minimized and a risk of damaging said bushing member is reduced.

Regarding Claim 5, see Claims 1 and 2 above.

Regarding Claim 7, see Claim 4.

Regarding Claim 8, see Claims 1-2.

Regarding Claim 9, see Claim 4.

Regarding Claim 10, see Claim 1 above and further note bracket member 14 (see Figure 5) bounding a portion of the elastomeric member $\frac{3}{4}$, whereby when assembled the bracket member is shaped to slide over a saddle portion of the elastomeric member (see Figure 5 and the portion of the elastomeric member $\frac{3}{4}$ which bracket member 14 is located thereon), whereby the saddle portion is between respective spaced apart first and second flange members 8 (see Figure 5 and elements 12, which cover flanges 8).

Regarding Claim 12, see Claim 4.

Regarding Claim 13, see Claim 2.

Regarding Claim 14, Siebert et al further disclose means 17 for positioning and stiffening the bracket member 14, a first and a second edge member in the means for positioning (see Figure 7 and the edges of elements 17), and wherein the first and second edge members extend away from an outer portion of the bracket member (see Figure 5), whereby the edge members provide at least a guiding alignment to the elastomeric member during an assembly (see column 4 lines 1-9).

Regarding Claim 17, see Claims 1-2 and 10.

Regarding Claim 18, see Claim 14.

Regarding Claim 19, see Claims 1-2 and 10.

Regarding Claim 20, Siebert et al disclose the step of compressing the elastomeric member $\frac{3}{4}$ sufficiently to press closed the slot 7 and provide a leak resistant seal along at least the slot thereby minimizing moisture access to the external member

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(note that bracket 14 would compress member $\frac{3}{4}$ to lock slot 7 closed, thus providing some sort of sealing function at the slot itself).

Allowable Subject Matter

5. Claims 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed July 20, 2007 have been fully considered but they are not persuasive.

While the examiner appreciates applicant's attempts to amend the claims along the lines of her previous responses in the office action dated March 20, 2007 and while applicant has included more specifics of the locations of the front and rear faces of the elastomeric member, the hinge, the location of the flange members and saddle portion, as well as the length of the saddle portion, the examiner maintains, as outlined in the rejections above, that these features are still taught by Siebert. The key element in the examiner's previous remarks that applicant's claim language still does not reflect is that **his flanges extend across the entire width of the outer edge portions of the elastomeric member (see the last paragraph of the action dated March 20, 2007).**

Siebert's flanges do not. And it is this structural difference that would define over the prior art of record.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

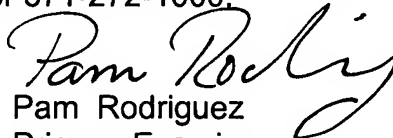
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pam Rodriguez whose telephone number is 571-272-7122. The examiner can normally be reached on Tuesdays 5:30 AM -4 PM and Wednesdays 5 AM -11 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rob Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Pam Rodriguez
Primary Examiner
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9/19/07

PR
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